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ATTORNEY FOR DEBTOR

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

IN RE:	§	
	§	
REGINA DUTTON	§	CASE NO. 16-41311
	§	
DEBTOR	§	CHAPTER 13

OBJECTION TO CLAIM OF FEDERAL NATIONAL MORTGAGE ASSOCIATION  
(CLAIM NO. 12)

**ATTENTION: YOUR CLAIM MAY BE REDUCED, MODIFIED, OR ELIMINATED.** Accordingly, you should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you do not wish for the Court to eliminate or change your claim, you must file a written response opposing the claim objection, explaining the factual and/or legal basis for that response.

No hearing will be conducted on this claim objection unless a written response in opposition is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading **WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE** listed in the certificate of service unless the Court shortens or extends the time for filing such response. If no response in opposition is timely served and filed, this claim objection shall be deemed to be unopposed, and the Court may enter an order sustaining the objection to your claim. If a response in opposition is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your response in opposition may be stricken. The Court reserves the right to set a hearing on any matter.

TO THE HONORABLE JUDGE OF THIS COURT:

NOW COMES, Debtor, Regina Dutton, in the above-numbered and styled cause, and files this Objection to Claim of Federal National Mortgage Association, (hereinafter Seterus), and would respectfully show the Court as follows:

1. Debtor filed for bankruptcy protection under Chapter 13 on 7/22/2016. Debtor's Chapter 13 plan was confirmed on 11/04/2016.

2. SETERUS filed its proof of claim (Claim No. 12) on 12/08/2016. See Exhibit "A". In its proof of claim, SETERUS asserts a claim in the amount of \$368,611.78. The annual interest rate is 4.25%. The loan is secured by the property located at 10920 Chilmark Court, Frisco, TX 75035. The proof of claim also states that the arrearage amount as of the filing-date was \$15,558.44.

3. Section 1322(3) of the Bankruptcy Code states:

"Notwithstanding subsection (b)(2) of this section and sections 506(b) and 1325(a)(5) of this title, if it is proposed in a plan to cure a default, the amount necessary to cure the default shall be determined in accordance with the underlying agreement and applicable nonbankruptcy law." 11 U.S.C. §1322(3).

4. In this case, the underlying agreements are the Note (See Exhibit "B") and the Deed of Trust (See Exhibit "C"). Neither the Note nor the Deed of Trust provide that interest be paid on mortgage arrears, and therefore, under 11 U.S.C. § 1322(3), the amount necessary to cure the default is the arrearage amount without interest.

5. Debtor's objection is based on information contained within the Creditor's own claim – as opposed to Debtor's own knowledge. Accordingly, and in compliance with LRBP 3007(a)(2), Debtor has attached as documentary proof the relevant portions of Creditor's claim.

WHEREFORE, PREMISES CONSIDERED, Debtor prays that the Court sustain this objection to the claim filed by SETERUS and order that the claim be denied insofar as it pays interest on the arrearage amount, and for such other relief as the Court deems just.

Dated: July 5, 2018.

Respectfully submitted,

/s/ Alex Bouthilet  
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 5, 2018, a true and correct copy of the foregoing was served on all parties in interest below.

/s/ Alex Bouthilet  
Alex Bouthilet

**DEBTOR:**

Regina Dutton  
10920 Chilmark Ct  
Frisco, TX 75035

**STANDING CHAPTER 13 TRUSTEE:**

Carey D. Ebert  
Chapter 13 Trustee  
PO Box 941166  
Plano, TX 75094-1166

**OFFICE OF THE U.S. TRUSTEE:**

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**CREDITOR:**

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**PARTIES REQUESTING NOTICES**

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